

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

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VIRIDIS NORTH, LLC,  
a Michigan limited liability company,

Plaintiff,

v.

JULIE KLUYTMAN, an individual,  
DESMOND MITCHELL, an individual,  
ALLYSON CHIRIO, an individual, and  
CLAIRE PATTERSON, an individual,

Defendants.

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Case No. 1:22-cv-283

Hon. Paul Maloney

Magistrate Judge Phillip J. Green

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**MOTION FOR LEAVE TO FILE AMENDED COMPLAINT**

Plaintiff, Viridis North, LLC (“Viridis”), by and through its attorneys, Foster, Swift, Collins & Smith, P.C., moves this Court to grant it leave to file the attached proposed Amended Complaint under Fed. R. Civ. P. 15(a)(2) and to thereafter abstain and remand all the pending state constitutional tort claims against the Defendants to the 30th Circuit Court for the County of Ingham for resolution of the state constitutional tort claims in state court. This relief is requested because of the unique, difficult, and important questions of Michigan state law that will be raised in this matter in connection to the state constitutional tort claims brought against the Defendants and only recently recognized by the Michigan Supreme Court in *Bauserman*. *Bauserman v. Unemployment Ins. Agency*, 509 Mich. 673, 681; \_\_\_ N.W.2d. \_\_; 2022 WL 2965921 (2022).

Pursuant to Local Rule 7.1(d), Plaintiff’s counsel conferred with Defendants’ counsel and sought Defendants’ concurrence in this motion. Counsel for Defendants have stated that they oppose the motion.

WHEREFORE, Plaintiff Viridis North, LLC requests that this Court grant its motion and: (1) accept the attached proposed Amended Complaint for filing; (2) abstain and remand all then pending state constitutional tort claims against the Defendants to the 30th Circuit Court for the

County of Ingham; and (3) any other relief this Court deems just and equitable. (**Exhibit 1 – Proposed Amended Complaint attached to Brief in Support**).

Respectfully submitted,

FOSTER SWIFT COLLINS & SMITH, PC  
Attorneys for Plaintiff

Dated: January 31, 2023

By: /s/ David R. Russell  
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Dated: January 31, 2023

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